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Special Counsel for Plaintiff Bradley D. Sharp, Chapter 11  
Trustee for Namco Capital Group, Inc.

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
LOS ANGELES DIVISION**

In re:

NAMCO CAPITAL GROUP, INC., a  
California corporation,

**BRADLEY D. SHARP, solely in his capacity as Chapter 11 Trustee of NAMCO CAPITAL GROUP, INC.,**

**Plaintiff.**

VS.

MOUSA NAMVAR, *et al.*,

### Defendants.

Case No. 2:11-cv-05320-GAF (CWx)

## Chapter 11

Bankr. Case No. 2:08-bk-32333-BR  
Bankr. Adv. No. 2:10-ap-02945-BR

**DECLARATION OF GILLIAN N.  
BROWN IN SUPPORT OF  
TRUSTEE'S OPPOSITION TO  
MOTION IN LIMINE OF  
DEFENDANTS MOUSA NAMVAR,  
MAGDIEL, LLC, NAMCO 8, LLC,  
WISHLAB 90, LLC, BUNHERST,  
LLC, AND D'GADE OF  
DELAWARE, LLC TO EXCLUDE  
DOCUMENTS NOT TIMELY  
PRODUCED IN DISCOVERY AND  
DEPOSITION TESTIMONY  
REGARDING SUCH DOCUMENTS  
FROM INTRODUCTION AT  
TRIAL BY PLAINTIFF**

Date: October 21, 2013

Date: October 2  
Time: 9:30 a.m.

Place: Courtroom 740

Judge: Hon. Gary A. Feess

Trial: October 29, 2013

I, Gillian N. Brown, declare and state as follows:

1       1. I am a partner in the law firm of Pachulski Stang Ziehl & Jones LLP  
 2 (“PSZJ”), special counsel for Bradley D. Sharp, Chapter 11 Trustee (the “Trustee”)  
 3 for Estate of Namco Capital Group, Inc. (“Namco”). I am an attorney at law duly  
 4 authorized to practice before all of the courts of the State of California, the State of  
 5 New York, and the District of Columbia. I am authorized to practice in the United  
 6 States District Court for the Central District of California.

7       2. I have personal knowledge of the facts set forth in this Declaration. If  
 8 called as a witness I could and would competently testify thereto.

9       3. I make this declaration in support of the *Trustee’s Opposition to Motion*  
 10 *in Limine of Defendants Mousa Namvar, Magdiel, LLC, Namco 8, LLC, Wishlab 90,*  
 11 *LLC, Bunherst, LLC, and DGADE of Delaware, LLC to Exclude Documents Not*  
 12 *Timely Produced in Discovery and Deposition Testimony Regarding Such Documents*  
 13 *From Introduction at Trial by Plaintiff* filed by Defendants Mousa Namvar; Magdiel,  
 14 LLC; DGADE of Delaware, LLC; Bunherst, LLC; Namco 8, LLC; and Wishlab 90,  
 15 LLC (the “Mousa Defendants”).

16       4. Attached hereto as **Exhibit 1** is a true and correct copy of the *Plaintiff’s*  
 17 *Objections and Responses to Defendant Mousa Namvar’s First Set of Requests for*  
 18 *Production of Documents* (the “Responses”), served on January 20, 2012. In the  
 19 Responses, the Trustee made available to the Mousa Defendants the Namco  
 20 electronically stored information (“ESI”) and more than 500 hundreds of boxes of  
 21 hard copy, paper documents in the Trustee’s possession, custody, or control. The  
 22 Trustee had objected to the Mousa Defendants’ document requests on the grounds that  
 23 it was unduly burdensome and oppressive to require him to review the large volume  
 24 both of Namco’s ESI and its hard copy, paper files. *See* General Objections, ¶¶ 2-4  
 25 of **Exhibit 1**.

26       5. Namco’s ESI is stored in an electronic database (the “Database”). *See*  
 27 General Objections, ¶ 1 of **Exhibit 1**. The data in that Database was culled from the  
 28 computer server that Namco used before and after the filing of its bankruptcy case,

1 and information on Namco desktop computers. In his responses to the Mousa  
 2 Defendants' document requests, the Trustee "request[ed] that [the Mousa Defendants]  
 3 provide the Trustee with appropriate search terms ('Search Terms') to locate  
 4 documents potentially responsive to the Document Requests in the Database. Using  
 5 the Search Terms, the Trustee will make the documents in the Database available to  
 6 Defendant's counsel. . . ." *See id.*, ¶ 2. The Mousa Defendants never provided Search  
 7 Terms to the Trustee's counsel.

8. The Trustee is in possession of more than 500 boxes of Namco's hard  
 9 copy documents. On January 20, 2012, the Trustee produced to the Mousa  
 10 Defendants his written inventory containing a listing of those hard copy files (the  
 11 "Inventory"). That Inventory was bates labeled as P8965-9015. The Trustee offered  
 12 to make the documents on the Inventory available to the Mousa Defendants for  
 13 inspection and copying. *See General Objections, ¶¶ 3-4 of Exhibit 1.* The Mousa  
 14 Defendants inspected only a small fraction of Namco's hard copy documents.

7. Attached hereto as **Exhibit 2** is a June 28, 2013 email (without  
 attachments) that I sent to the Mousa Defendants' co-defendants, which was also  
 copied on Mousa Defendants' counsel. In that email, I explained that emails the  
 Trustee marked at deposition which did not contain bates labels came from the  
 computer server that the Trustee offered to search with the defendants' search terms.  
 The Mousa Defendants' co-defendants have *not* joined in *Defendants Mousa Namvar,  
 Magdiel, LLC, Namco 8, LLC, Wishlab 90, LLC, Bunkerst, LLC, and DGADe of  
 Delaware, LLC to Exclude Documents Not Timely Produced in Discovery and  
 Deposition Testimony Regarding Such Documents From Introduction at Trial by  
 Plaintiff.*

8. The Trustee produced bates labeled copies of Trial Exhibits 285 and 286  
 to the Mousa Defendants months before either document was used at deposition. Trial  
 Exhibit 285 was bates labeled as P25001. The Trustee produced this document on

1 February 14, 2013. This document was used at deposition more than five months  
2 after the Trustee produced it.

3 9. Trial Exhibit 286 was bates labeled as P29760. The Trustee produced  
4 this document on May 1, 2013. This document was marked at deposition more than  
5 two and a half months after the Trustee produced it.

6 10. The Trustee marked Trial Exhibit 879 as an exhibit to the December 18,  
7 2012 deposition of Gregory Johnson. Mr. Johnson was deposed again the following  
8 day and on March 5, 2013. No other depositions had been completed before the  
9 December 18, 2012 deposition at which Trial Exhibit 879 was marked.

10 11. Trial Exhibits 156, 165-167, and 878 are all deposition exhibits that the  
12 Mousa Defendants' own counsel marked as exhibits at the deposition of David Judd,  
one of the Trustee's expert witnesses.

13 12. Trial Exhibit 156 is the expert rebuttal report of one of the Trustee's  
14 expert witnesses, David H. Judd. The Trustee served the Mousa Defendants with Trial  
15 Exhibit 156 on the rebuttal expert report exchange date of June 17, 2013, which was  
16 more than 3 weeks *before* Attorney Resser, counsel for the Mousa Defendants,  
17 marked that report as a deposition exhibit. Attorney Resser then went on to question  
18 Mr. Judd about the document at the first day of Mr. Judd's deposition on July 8, 2013:

19 13. Attached hereto as **Exhibit 3** is a true and correct copy of selected pages  
20 from the Deposition Transcript of David H. Judd, taken July 8, 2013.

21 14. The defendants continued Mr. Judd's deposition on July 9 and August  
22 13, 2013. The Trustee produced Trial Exhibits 165-167 to the Mousa Defendants  
23 *before* the second of three days of Mr. Judd's deposition. Once again, Attorney  
24 Resser, counsel for the Mousa Defendants, marked these documents as deposition  
25 exhibits and examined Mr. Judd about them at deposition.

26 15. Attached hereto as **Exhibit 4** is a true and correct copy of selected pages  
27 from the Deposition Transcript of David H. Judd, taken July 9, 2013.  
28

1       16. The Mousa Defendants' counsel marked Trial Exhibit 878 as a deposition  
 2 exhibit more than two years ago at the first day of Ezri Namvar's deposition on  
 3 September 22, 2011.

4       17. Attached hereto as **Exhibit 5** is a true and correct copy of selected pages  
 5 from the Deposition Transcript of Ezri Namvar, taken September 11, 2011.

6       18. Defendant Mousa Namvar was copied on all five of the emails now  
 7 marked as Trial Exhibits 42, 43, and 48-50. Mousa Namvar did not produce these  
 8 documents to the Trustee. Furthermore, Trial Exhibits 42, 43, and 48-50 were marked  
 9 as exhibits at depositions the Trustee's counsel took on July 1, 2013 of Fara Raban, a  
 10 non-party to this case. Mr. Raban's deposition continued on July 3, 2013. At the time  
 11 of Mr. Raban's depositions on July 1 and 3, 2013, the only depositions that had been  
 12 completed in this case were those of Gregory Johnson; Trisister, LLC; and Ezri  
 13 Namvar's three sisters.

14       19. Trial Exhibit Nos. 257 and 457 are all documents that the Trustee located  
 15 during his inspection of the Namco hard documents in preparation for depositions.  
 16 The Trustee notes also that Defendant Mousa Namvar was listed as a recipient of Trial  
 17 Exhibit No. 457 but did not produce it to the Trustee during discovery.

18       20. Trial Exhibits 284, 303, and 304 are portions of the Namco general  
 19 ledger that the Trustee produced to the Mousa Defendants in native (QuickBooks)  
 20 format in 2012. I attended the September 27, 2013 meet and confer regarding  
 21 objections to the Joint Trial Exhibit List. During that meeting, Bernard Resser,  
 22 counsel to the Mousa Defendants, proposed that the native format of QuickBooks be  
 23 used at trial in this matter.

24  
 25  
 26 [remainder of page left intentionally blank]  
 27  
 28

21. The Mousa Defendants' counsel participated in the depositions at which each of the Questioned Exhibits were discussed.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed at Los Angeles, California on September 30, 2013.

/s Gillian N. Brown  
Gillian N. Brown

**PACHULSKI STANG ZIEHL & JONES LLP**  
ATTORNEYS AT LAW  
LOS ANGELES, CALIFORNIA

## **EXHIBIT 1**

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Special Counsel for Bradley D. Sharp, Chapter 11 Trustee  
for Estate of Namco Capital Group, Inc.

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
LOS ANGELES DIVISION**

In re:

NAMCO CAPITAL GROUP, INC., a California corporation,

**Debtor.**

Case No. 2:11-cv-05320-GAF (CWx)

Bankr. Case No. 2:08-bk-32333-BR

Bankr. Adv. Proc. No. 2:10-ap-02945-BR  
Chapter 11

**PLAINTIFF'S OBJECTIONS AND  
RESPONSES TO DEFENDANT MOUSA  
NAMVAR'S FIRST SET OF REQUESTS  
FOR PRODUCTION OF DOCUMENTS**

BRADLEY D. SHARP, solely in his capacity as  
Chapter 11 Trustee of NAMCO CAPITAL  
GROUP, INC.,

**Plaintiff,**

vs.

MOUSA NAMVAR, et al.

## Defendants.

## **PROPOUNDING PARTY: Defendant Mousa Namyar**

**RESPONDING PARTY:** Plaintiff Bradley D. Sharp, Chapter 11 Trustee

**SET NO.:** One (1)

**RESPONSES TO MOUSA NAMVAR'S  
FIRST SET OF REQUESTS FOR  
PRODUCTION OF DOCUMENTS**

1 Plaintiff Bradley D. Sharp, solely in his capacity as Chapter 11 Trustee  
 2 (“Trustee”) of Namco Capital Group, Inc. (“Namco”), hereby responds to Defendant  
 3 Mousa Namvar’s First Set of Requests for Production of Documents (“Document  
 4 Requests” or “Document Request” when referring to the individual requests contained  
 5 therein) as follows:

6 **GENERAL OBJECTIONS**

7 The Trustee’s responses to the Document Requests are made subject to the  
 8 statements and general objections (“General Objections”) set forth herein. The  
 9 General Objections apply to each and every Document Request.

10 1. The Trustee objects to the Document Requests to the extent that they  
 11 seek documents which are not, and have never been, within the Trustee’s possession,  
 12 custody or control. In particular, Namco was put into an involuntary chapter 11  
 13 proceeding in December 2008, but the Trustee was not appointed as chapter 11 trustee  
 14 of Namco’s bankruptcy estate until May 2009. While the Trustee has received a vast  
 15 amount of data (the “Database”) from servers in the possession, custody and control of  
 16 Pentaco Management, Inc. (“Pentaco”), which Database purportedly contains all of  
 17 the data owned by, or relating to Namco, the Trustee is unable to state unequivocably  
 18 that all responsive data on Pentaco’s servers is in his possession, custody or control.  
 19 Accordingly, the Trustee’s production does not include responsive documents, if any,  
 20 on Pentaco’s servers which were not downloaded onto the Database.

21 2. The Trustee objects to the Document Requests to the extent that they  
 22 require inspection and assessment of a vast amount electronically stored information  
 23 in the Database, which is unduly burdensome and oppressive. To the extent  
 24 necessary, the Trustee requests that Defendant provide the Trustee with appropriate  
 25 search terms (“Search Terms”) to locate documents potentially responsive to the  
 26 Document Requests in the Database. Using the Search Terms, the Trustee will make  
 27 the documents in the Database available to Defendant’s counsel provided that  
 28 Defendant’s counsel agrees in writing that the Trustee shall not be deemed to have

1 waived the attorney-client privilege or any work product protections available to him  
2 or Namco should the Search Terms result in an inadvertent production of protected  
3 information and in accordance with terms and conditions mutually agreed upon by  
4 counsel for the Trustee and Defendant.

5       3. In addition to the foregoing, the Trustee will produce an index (P09016-  
6 P09019) of the QuickBooks files (the “QB Index”) for Defendant to review.

7 Following Defendant’s review of the QB Index, the Trustee will produce requested  
8 QuickBooks files to Defendant upon the terms and conditions mutually agreed upon  
9 by counsel for the Trustee and Defendant.

10     4. The Trustee objects to the Document Requests to the extent that they  
11 require the inspection and assessment of a large volume of paper documents which is  
12 unduly burdensome and oppressive. The Trustee will produce indices (P08965-  
13 P09015) listing all of the hundreds of boxes of documents in his possession, custody,  
14 or control (the “Namco Boxes”) for Defendant’s review. The Trustee will make the  
15 documents in the Namco Boxes available to Defendant’s counsel for inspection and  
16 copying provided that Defendant’s counsel agrees in writing that the Trustee shall not  
17 be deemed to have waived the attorney-client privilege or any work product  
18 protections available to him or Namco should the document inspection result in an  
19 inadvertent production of protected information and in accordance with terms and  
20 conditions mutually agreed upon by counsel for the Trustee and Defendant.

21     5. The Trustee objects to the Document Requests to the extent that they  
22 require the production of documents that the Trustee received pursuant to a  
23 Confidentiality Stipulation with Pentaco, an entity about which Defendant has  
24 knowledge, and from whom, potentially, Defendant already has access to such  
25 documents.

26     6. The Trustee objects to the Document Requests to the extent that they  
27 require the production of documents that were prepared for, or in anticipation of,  
28 litigation, thereby constituting attorney work product; that are protected by the

1 attorney-client privilege or the attorney work product doctrine; that contain  
2 confidential business or proprietary information, including, but limited to, trade  
3 secrets, or other private or confidential information of Namco, its customers, clients,  
4 affiliates, or former employees, that is not relevant to the subject matter of the above-  
5 captioned case; or that are otherwise privileged or protected from discovery.

6       7. In view of the Trustee's offer to provide Defendant access to search,  
7 inspect, and copy documents subject to an agreement regarding the treatment of  
8 privileged and/or protected documents, the Trustee will not at this time produce a  
9 privilege log, and expressly reserves the right to produce a privilege log, of documents  
10 to which a claim of privilege will be made following the completion of Defendant's  
11 search and/or inspection of the Database, the QuickBooks files, and the Namco Boxes.

12       8. In addition, the Trustee and his counsel have a large volume of  
13 documents, electronic communications, and working papers – all of which are wholly  
14 protected from discovery by the attorney –client privilege and work product doctrine.  
15 The Trustee will not individually identify each such document, communication, and  
16 working paper on a privilege log on the grounds that to do so would be unduly  
17 burdensome and oppressive, and serve no useful purpose. The Trustee asserts that  
18 within the category of documents in his possession, custody or control that are wholly  
19 protected by the attorney-client privilege and/or work product doctrine are the  
20 following:

- 21           a. Communications between the Trustee (including the Trustee's  
22 employees and agents) and his counsel, whether written or electronic;
- 23           b. Documents prepared by, or at the direction of Trustee's counsel, in  
24 anticipation of, or in connection with, this litigation and other litigation  
25 involving the Trustee.
- 26           c. Documents prepared by the Trustee's accountants and financial  
27 advisors in anticipation of, or in connection with, this litigation and other  
28 litigation involving the Trustee.

9. The Trustee objects to the Document Requests to the extent that they seek information that has already been provided in this litigation, is on file with the Court in this case, is more readily available from other parties, is a matter of public record, or otherwise available to or already in the possession of Defendant or any agents thereof.

10. The Trustee objects to the Document Requests to the extent that they require the Trustee to make compilations, abstracts, audits, or summaries of records when those compilations, abstracts, audits, or summaries do not exist.

11. The Trustee has made a good faith effort to investigate information responsive to the Document Requests. However, it is possible that additional information will be discovered that might affect the responses as discovery proceeds and as the Trustee prepares for trial. Accordingly, the Trustee reserves the right to supplement or modify the responses to incorporate subsequently discovered information.

12. The Trustee expressly reserves all objections as to the relevance or admissibility of his responses to the Document Requests.

## **REQUESTS FOR PRODUCTION**

**REQUEST FOR PRODUCTION NO. 1:**

*Please produce ALL DOCUMENTS RELATING TO the "Mousa SP Transfers" as identified in the COMPLAINT.*

## **RESPONSE TO REQUEST FOR PRODUCTION NO. 1:**

The Trustee refers to and incorporates his General Objections. The Trustee specifically objects to this Document Request to the extent that it seeks information protected by the attorney-client privilege and work product doctrine. The Trustee further objects on the grounds that this Document Request is burdensome and oppressive insofar as responsive documents may exist among the Namco Boxes in the

1 Trustee's possession and within the Database; is premature insofar as the Trustee has  
2 not completed discovery in this case nor completed preparation for trial, and/or to the  
3 extent requested responsive documents have already been produced to Defendant (see  
4 P00001 through P05867). Subject to and without waiving these objections, the  
5 Trustee (a) will produce responsive, non-privileged documents to the extent they can  
6 be reasonably searched and identified as set forth in the General Objections at  
7 paragraph 2; (b) will produce the QB Index for review by Defendant and, upon  
8 request, provide copies of requested files as set forth in the General Objections at  
9 paragraph 3; (c) will produce the indices to the Namco Boxes and make the  
10 documents in the Namco Boxes available for inspection and copying as set forth in the  
11 General Objections at paragraph 4; and (d) will produce copies of Namco's  
12 QuickBooks files, which served as the general ledger for Namco during the relevant  
13 period.

14

15 **REQUEST FOR PRODUCTION NO. 2:**

16 *Please produce ALL DOCUMENTS constituting, reflecting, or memorializing  
17 any COMMUNICATIONS between NAMCO, EZRI, or TONY on the one hand, and  
18 MOUSA on the other.*

19

**RESPONSE TO REQUEST FOR PRODUCTION NO. 2:**

20 The Trustee refers to and incorporates his General Objections. The Trustee  
21 specifically objects to this Document Request to the extent that it seeks information  
22 protected by the attorney-client privilege and work product doctrine. The Trustee  
23 objects on the grounds that this Document Request is overbroad, vague, and  
24 ambiguous and therefore, unduly burdensome and oppressive in that there is no  
25 limitation as to subject matter or time. The Trustee further objects on the grounds that  
26 this Document Request is burdensome and oppressive insofar as responsive  
27 documents may exist among the Namco Boxes in the Trustee's possession and within  
28 the Database; is premature insofar as the Trustee has not completed discovery in this

1 case nor completed preparation for trial, and to the extent that responsive documents  
2 have already been produced to Defendant (*see* P00001 through P05867). Subject to  
3 and without waiving these objections, the Trustee (a) will produce responsive, non-  
4 privileged documents to the extent they can be reasonably searched and identified as  
5 set forth in the General Objections at paragraph 2; (b) will produce the QB Index for  
6 review by Defendant and, upon request, provide copies of requested files as set forth  
7 in the General Objections at paragraph 3; and (c) will produce the indices to the  
8 Namco Boxes and make the documents in the Namco Boxes available for inspection  
9 and copying as set forth in the General Objections at paragraph 4.

10

11 **REQUEST FOR PRODUCTION NO. 3:**

12       *Please produce ALL DOCUMENTS constituting, reflecting, or memorializing  
13 any payments or transfers by NAMCO to MOUSA.*

14 **RESPONSE TO REQUEST FOR PRODUCTION NO. 3:**

15       The Trustee refers to and incorporates his General Objections. The Trustee  
16 specifically objects to this Document Request to the extent that it seeks information  
17 protected by the attorney-client privilege and work product doctrine. The Trustee  
18 further objects on the grounds that this Document Request is overbroad, vague, and  
19 ambiguous and therefore, unduly burdensome and oppressive in that there is no  
20 limitation as to time. The Trustee further objects on the grounds that this Document  
21 Request is burdensome and oppressive insofar as responsive documents may exist  
22 among the Namco Boxes in the Trustee's possession and within the Database; is  
23 premature insofar as the Trustee has not completed discovery in this case nor  
24 completed preparation for trial, and to the extent that responsive documents have  
25 already been produced to Defendant (*see* P00001 through P05867). Subject to and  
26 without waiving these objections, the Trustee (a) will produce responsive, non-  
27 privileged documents to the extent they can be reasonably searched and identified as  
28 set forth in the General Objections at paragraph 2; (b) will produce the QB Index for

1 review by Defendant and, upon request, provide copies of requested files as set forth  
2 in the General Objections at paragraph 3; (c) will produce the indices to the Namco  
3 Boxes and make the documents in the Namco Boxes available for inspection and  
4 copying as set forth in the General Objections at paragraph 4; and (d) will produce  
5 copies of Namco's QuickBooks files, which served as the general ledger for Namco  
6 during the relevant period.

7

8 **REQUEST FOR PRODUCTION NO. 4:**

9 *Please produce ALL DOCUMENTS RELATING TO the terms and conditions of*  
10 *the "Mousa SP Transfers" that YOU allege were agreed upon between NAMCO and*  
11 *MOUSA.*

12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 4:**

13 The Trustee refers to and incorporates his General Objections. The Trustee  
14 specifically objects to this Document Request to the extent that it seeks information  
15 protected by the attorney-client privilege and work product doctrine. The Trustee  
16 further objects on the grounds that this Document Request is burdensome and  
17 oppressive insofar as responsive documents may exist among the Namco Boxes in the  
18 Trustee's possession and within the Database; is premature insofar as the Trustee has  
19 not completed discovery in this case nor completed preparation for trial, and such  
20 documents have already been produced to Defendant (*see* P00001 through P05867).

21 Subject to and without waiving these objections, the Trustee (a) will produce  
22 responsive, non-privileged documents to the extent they can be reasonably searched  
23 and identified as set forth in the General Objections at paragraph 2; (b) will produce  
24 the QB Index for review by Defendant and, upon request, provide copies of requested  
25 files as set forth in the General Objections at paragraph 3; (c) will produce the indices  
26 to the Namco Boxes and make the documents in the Namco Boxes available for  
27 inspection and copying as set forth in the General Objections at paragraph 4; and (d)

1 will produce copies of Namco's QuickBooks files, which served as the general ledger  
2 for Namco during the relevant period.

3

4 **REQUEST FOR PRODUCTION NO. 5:**

5 *Please produce ALL DOCUMENTS RELATING TO YOUR allegation in the*  
6 *COMPLAINT that MOUSA agreed to be bound by the terms and conditions of the*  
7 *"Mousa SP Transfers" without a written agreement, and/or confirmed such*  
8 *agreement by its conduct.*

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 5:**

10 The Trustee refers to and incorporates his General Objections. The Trustee  
11 specifically objects to this Document Request to the extent that it seeks information  
12 protected by the attorney-client privilege and work product doctrine. The Trustee  
13 further objects on the grounds that this Document Request is burdensome and  
14 oppressive insofar as responsive documents may exist among the Namco Boxes in the  
15 Trustee's possession and within the Database; is premature insofar as the Trustee has  
16 not completed discovery in this case nor completed preparation for trial, and such  
17 documents have already been produced to Defendant (*see* P00001 through P05867).  
18 Subject to and without waiving these objections, the Trustee (a) will produce  
19 responsive, non-privileged documents to the extent they can be reasonably searched  
20 and identified as set forth in the General Objections at paragraph 2; (b) will produce  
21 the QB Index for review by Defendant and, upon request, provide copies of requested  
22 files as set forth in the General Objections at paragraph 3; (c) will produce the indices  
23 to the Namco Boxes and make the documents in the Namco Boxes available for  
24 inspection and copying as set forth in the General Objections at paragraph 4; and (d)  
25 will produce copies of Namco's QuickBooks files, which served as the general ledger  
26 for Namco during the relevant period.

27

28 **REQUEST FOR PRODUCTION NO. 6:**

1       *Please produce ALL DOCUMENTS RELATING TO YOUR allegation in the*  
2 *COMPLAINT that ALL conditions required for MOUSA's performance of the terms*  
3 *and conditions of the "Mousa SP Transfers" agreement have been satisfied, except*  
4 *those excused by reason of MOUSA's conduct.*

5 **RESPONSE TO REQUEST FOR PRODUCTION NO.6:**

6       The Trustee refers to and incorporates his General Objections. The Trustee  
7 specifically objects to this Document Request to the extent that it seeks information  
8 protected by the attorney-client privilege and work product doctrine. The Trustee  
9 further objects on the grounds that this Document Request is burdensome and  
10 oppressive insofar as responsive documents may exist among the Namco Boxes in the  
11 Trustee's possession and within the Database; is premature insofar as the Trustee has  
12 not completed discovery in this case nor completed preparation for trial, and such  
13 documents have already been produced to Defendant (*see* P00001 through P05867).  
14 Subject to and without waiving these objections, the Trustee (a) will produce  
15 responsive, non-privileged documents to the extent they can be reasonably searched  
16 and identified as set forth in the General Objections at paragraph 2; (b) will produce  
17 the QB Index for review by Defendant and, upon request, provide copies of requested  
18 files as set forth in the General Objections at paragraph 3; (c) will produce the indices  
19 to the Namco Boxes and make the documents in the Namco Boxes available for  
20 inspection and copying as set forth in the General Objections at paragraph 4; and (d)  
21 will produce copies of Namco's QuickBooks files, which served as the general ledger  
22 for Namco during the relevant period.

23

24 **REQUEST FOR PRODUCTION NO. 7:**

25       *Please produce ALL DOCUMENTS RELATING TO ALL alleged breaches of*  
26 *any term and/or condition of the "Mousa SP Transfers" committed by either NAMCO*  
27 *or MOUSA.*

28 **RESPONSE TO REQUEST FOR PRODUCTION NO. 7:**

1       The Trustee refers to and incorporates his General Objections. The Trustee  
2 specifically objects to this Document Request to the extent that it seeks information  
3 protected by the attorney-client privilege and work product doctrine. The Trustee  
4 further objects on the grounds that this Document Request is burdensome and  
5 oppressive insofar as responsive documents may exist among the Namco Boxes in the  
6 Trustee's possession and within the Database; is premature insofar as the Trustee has  
7 not completed discovery in this case nor completed preparation for trial, and such  
8 documents have already been produced to Defendant (*see* P00001 through P05867).  
9 Subject to and without waiving these objections, the Trustee (a) will produce  
10 responsive, non-privileged documents to the extent they can be reasonably searched  
11 and identified as set forth in the General Objections at paragraph 2; (b) will produce  
12 the QB Index for review by Defendant and, upon request, provide copies of requested  
13 files as set forth in the General Objections at paragraph 3; (c) will produce the indices  
14 to the Namco Boxes and make the documents in the Namco Boxes available for  
15 inspection and copying as set forth in the General Objections at paragraph 4; and (d)  
16 will produce copies of Namco's QuickBooks files, which served as the general ledger  
17 for Namco during the relevant period.

18

19 **REQUEST FOR PRODUCTION NO. 8:**

20       *Please produce ALL DOCUMENTS RELATING TO YOUR allegation in the  
21 COMPLAINT that at the time NAMCO allegedly made the "Mousa SP Transfers,"  
22 NAMCO (i) was engaged or was about to be engaged in a business or transaction for  
23 which the remaining assets of NAMCO were unreasonably small in relation to the  
24 business or transaction, or (ii) intended to incur, or reasonably should have believed  
25 that it would incur, debts beyond its ability to pay as they came due.*

26 **RESPONSE TO REQUEST FOR PRODUCTION NO. 8:**

27       The Trustee refers to and incorporates his General Objections. The Trustee  
28 specifically objects to this Document Request to the extent that it seeks information

1 protected by the attorney-client privilege and work product doctrine. The Trustee  
2 further objects on the grounds that this Document Request is burdensome and  
3 oppressive insofar as responsive documents may exist among the Namco Boxes in the  
4 Trustee's possession and within the Database; is premature insofar as the Trustee has  
5 not completed discovery in this case nor completed preparation for trial, and such  
6 documents have already been produced to Defendant (*see* P00001 through P05867).  
7 Subject to and without waiving these objections, the Trustee (a) will produce  
8 responsive, non-privileged documents to the extent they can be reasonably searched  
9 and identified as set forth in the General Objections at paragraph 2; (b) will produce  
10 the QB Index for review by Defendant and, upon request, provide copies of requested  
11 files as set forth in the General Objections at paragraph 3; and (c) will produce the  
12 indices to the Namco Boxes and make the documents in the Namco Boxes available  
13 for inspection and copying as set forth in the General Objections at paragraph 4; (d)  
14 will produce copies of Namco's QuickBooks files, which served as the general ledger  
15 for Namco during the relevant period; and (e) refers Defendant to the *First Financial*  
16 *Report of the Chapter 11 Trustees Pursuant to 11 U.S.C. §1106(a)(3)-(4)*, dated  
17 February 26, 2010, which was filed with the Court in the above-entitled bankruptcy  
18 case. Finally the Trustee notes that he intends to produce his financial advisors'  
19 expert report on insolvency at the designated time in this adversary proceeding.  
20

21 **REQUEST FOR PRODUCTION NO. 9:**

22 Please produce ALL DOCUMENTS RELATING TO YOUR allegation in the  
23 COMPLAINT that the "Mousa SP Transfers" were made "without receiving  
24 reasonably equivalent value in exchange, and Namco was insolvent at the time of each  
25 such transfer, in that at fair valuations, the sum of its debts was greater than all of its  
26 assets."

27 **RESPONSE TO REQUEST FOR PRODUCTION NO. 9:**

1       The Trustee refers to and incorporates his General Objections. The Trustee  
2 specifically objects to this Document Request to the extent that it seeks information  
3 protected by the attorney-client privilege and work product doctrine. The Trustee  
4 further objects on the grounds that this Document Request is burdensome and  
5 oppressive insofar as responsive documents may exist among the Namco Boxes in the  
6 Trustee's possession and within the Database; is premature insofar as the Trustee has  
7 not completed discovery in this case nor completed preparation for trial, and such  
8 documents have already been produced to Defendant (*see* P00001 through P05867).  
9 Subject to and without waiving these objections, the Trustee (a) will produce  
10 responsive, non-privileged documents to the extent they can be reasonably searched  
11 and identified as set forth in the General Objections at paragraph 2; (b) will produce  
12 the QB Index for review by Defendant and, upon request, provide copies of requested  
13 files as set forth in the General Objections at paragraph 3; and (c) will produce the  
14 indices to the Namco Boxes and make the documents in the Namco Boxes available  
15 for inspection and copying as set forth in the General Objections at paragraph 4; (d)  
16 will produce copies of Namco's QuickBooks files, which served as the general ledger  
17 for Namco during the relevant period; and (e) refers Defendant to the *First Financial*  
18 *Report of the Chapter 11 Trustees Pursuant to 11 U.S.C. §1106(a)(3)-(4), dated*  
19 *February 26, 2010*, which was filed with the Court in the above-entitled bankruptcy  
20 case. Finally the Trustee notes that he intends to produce his financial advisors'  
21 expert report on insolvency at the designated time in this adversary proceeding.

22

23 **REQUEST FOR PRODUCTION NO. 10:**

24       *Please produce ALL DOCUMENTS RELATING TO YOUR allegation in the*  
25 *COMPLAINT that MOUSA, at all material times, was the "agent, employee, servant,*  
26 *alter ego, partner, co-conspirator, co-venturer and/or legal representative of each of*  
27 *the other Defendants."*

28 **RESPONSE TO REQUEST FOR PRODUCTION NO. 10:**

1       The Trustee refers to and incorporates his General Objections. The Trustee  
2 specifically objects to this Document Request to the extent that it seeks information  
3 protected by the attorney-client privilege and work product doctrine. The Trustee  
4 further objects on the grounds that this Document Request is burdensome and  
5 oppressive insofar as responsive documents may exist among the Namco Boxes in the  
6 Trustee's possession and within the Database; is premature insofar as the Trustee has  
7 not completed discovery in this case nor completed preparation for trial, and such  
8 documents have already been produced to Defendant (*see* P00001 through P05867).  
9 Subject to and without waiving these objections, the Trustee (a) will produce  
10 responsive, non-privileged documents to the extent they can be reasonably searched  
11 and identified as set forth in the General Objections at paragraph 2; (b) will produce  
12 the QB Index for review by Defendant and, upon request, provide copies of requested  
13 files as set forth in the General Objections at paragraph 3; (c) will produce the indices  
14 to the Namco Boxes and make the documents in the Namco Boxes available for  
15 inspection and copying as set forth in the General Objections at paragraph 4; and (d)  
16 will produce copies of Namco's QuickBooks files, which served as the general ledger  
17 for Namco during the relevant period.

18

19 **REQUEST FOR PRODUCTION NO. 11:**

20       *Please produce ALL DOCUMENTS RELATING TO YOUR allegation in the*  
21 *COMPLAINT that MOUSA is indebted to NAMCO on an open book account.*

22 **RESPONSE TO REQUEST FOR PRODUCTION NO. 11:**

23       The Trustee refers to and incorporates his General Objections. The Trustee  
24 specifically objects to this Document Request to the extent that it seeks information  
25 protected by the attorney-client privilege and work product doctrine. The Trustee  
26 further objects on the grounds that this Document Request is burdensome and  
27 oppressive insofar as responsive documents may exist among the Namco Boxes in the  
28 Trustee's possession and within the Database; is premature insofar as the Trustee has

1 not completed discovery in this case nor completed preparation for trial, and such  
2 documents have already been produced to Defendant (*see* P00001 through P05867).  
3 Subject to and without waiving these objections, the Trustee (a) will produce  
4 responsive, non-privileged documents to the extent they can be reasonably searched  
5 and identified as set forth in the General Objections at paragraph 2; (b) will produce  
6 the QB Index for review by Defendant and, upon request, provide copies of requested  
7 files as set forth in the General Objections at paragraph 3; and (c) will produce the  
8 indices to the Namco Boxes and make the documents in the Namco Boxes available  
9 for inspection and copying as set forth in the General Objections at paragraph 4; and  
10 (d) will produce copies of Namco's QuickBooks files, which served as the general  
11 ledger for Namco during the relevant period.

12

13 **REQUEST FOR PRODUCTION NO. 12:**

14 *Please produce ALL DOCUMENTS RELATING TO YOUR allegation in the*  
15 *COMPLAINT that the "Mousa Preferential Transfers" as identified in the*  
16 *COMPLAINT were made to MOUSA on account of antecedent debt owed by NAMCO*  
17 *before the "Mousa Preferential Transfers" were made.*

18 **RESPONSE TO REQUEST FOR PRODUCTION NO. 12:**

19 The Trustee refers to and incorporates his General Objections. The Trustee  
20 specifically objects to this Document Request to the extent that it seeks information  
21 protected by the attorney-client privilege and work product doctrine. The Trustee  
22 further objects on the grounds that this Document Request is burdensome and  
23 oppressive insofar as responsive documents may exist among the Namco Boxes in the  
24 Trustee's possession and within the Database; is premature insofar as the Trustee has  
25 not completed discovery in this case nor completed preparation for trial, and such  
26 documents have already been produced to Defendant (*see* P00001 through P05867).  
27 Subject to and without waiving these objections, the Trustee (a) will produce  
28 responsive, non-privileged documents to the extent they can be reasonably searched

1 and identified as set forth in the General Objections at paragraph 2; (b) will produce  
2 the QB Index for review by Defendant and, upon request, provide copies of requested  
3 files as set forth in the General Objections at paragraph 3; and (c) will produce the  
4 indices to the Namco Boxes and make the documents in the Namco Boxes available  
5 for inspection and copying as set forth in the General Objections at paragraph 4; and  
6 (d) will produce copies of Namco's QuickBooks files, which served as the general  
7 ledger for Namco during the relevant period.

8

9 **REQUEST FOR PRODUCTION NO. 13:**

10 *Please produce ALL DOCUMENTS RELATING TO YOUR allegation in the  
11 COMPLAINT that the "Mousa Preferential Transfers" were made to MOUSA within  
12 one year of the "Petition Date."*

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 13:**

14 The Trustee refers to and incorporates his General Objections. The Trustee  
15 specifically objects to this Document Request to the extent that it seeks information  
16 protected by the attorney-client privilege and work product doctrine. The Trustee  
17 further objects on the grounds that this Document Request is burdensome and  
18 oppressive insofar as responsive documents may exist among the Namco Boxes in the  
19 Trustee's possession and within the Database; is premature insofar as the Trustee has  
20 not completed discovery in this case nor completed preparation for trial, and such  
21 documents have already been produced to Defendant (*see* P00001 through P05867).  
22 Subject to and without waiving these objections, the Trustee (a) will produce  
23 responsive, non-privileged documents to the extent they can be reasonably searched  
24 and identified as set forth in the General Objections at paragraph 2; (b) will produce  
25 the QB Index for review by Defendant and, upon request, provide copies of requested  
26 files as set forth in the General Objections at paragraph 3; and (c) will produce the  
27 indices to the Namco Boxes and make the documents in the Namco Boxes available  
28 for inspection and copying as set forth in the General Objections at paragraph 4; and

1 (d) will produce copies of Namco's QuickBooks files, which served as the general  
2 ledger for Namco during the relevant period.

3

4 **REQUEST FOR PRODUCTION NO. 14:**

5 *Please produce ALL DOCUMENTS relied upon by YOU to answer ALL*  
6 *Interrogatories served upon you by MOUSA in the above-captioned adversary*  
7 *proceeding.*

8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 14:**

9 The Trustee refers to and incorporates his General Objections. The Trustee  
10 specifically objects to this Document Request to the extent that it seeks information  
11 protected by the attorney-client privilege and work product doctrine. The Trustee  
12 further objects on the grounds that this Document Request is burdensome and  
13 oppressive insofar as responsive documents may also exist among the Namco Boxes  
14 in the Trustee's possession and within the Database. Subject to and without waiving  
15 these objections, the Trustee identifies the following documents:

- 16 (a) The Complaint filed in the within action;  
17 (b) Documents previously produced as P00001 to P05857.

18

19 **REQUEST FOR PRODUCTION NO. 15:**

20 *Please produce ALL DOCUMENTS RELATING TO YOUR allegation in the*  
21 *COMPLAINT that MOUSA is the alter-ego of any corporate entity identified in the*  
22 *COMPLAINT.*

23 **RESPONSE TO REQUEST FOR PRODUCTION NO. 15:**

24 The Trustee refers to and incorporates his General Objections. The Trustee  
25 specifically objects to this Document Request to the extent that it seeks information  
26 protected by the attorney-client privilege and work product doctrine. The Trustee  
27 further objects on the grounds that this Document Request is burdensome and  
28 oppressive insofar as responsive documents may exist among the Namco Boxes in the

1 Trustee's possession and within the Database; is premature insofar as the Trustee has  
2 not completed discovery in this case nor completed preparation for trial, and such  
3 documents have already been produced to Defendant (*see* P00001 through P05867).  
4 Subject to and without waiving these objections, the Trustee (a) will produce  
5 responsive, non-privileged documents to the extent they can be reasonably searched  
6 and identified as set forth in the General Objections at paragraph 2; (b) will produce  
7 the QB Index for review by Defendant and, upon request, provide copies of requested  
8 files as set forth in the General Objections at paragraph 3; (c) will produce the indices  
9 to the Namco Boxes and make the documents in the Namco Boxes available for  
10 inspection and copying as set forth in the General Objections at paragraph 4; and (d)  
11 will produce copies of Namco's QuickBooks files, which served as the general ledger  
12 for Namco during the relevant period.

13

14 **REQUEST FOR PRODUCTION NO. 16:**

15 *Please produce ALL DOCUMENTS RELATING TO YOUR allegation in the*  
16 *COMPLAINT that MOUSA aided and abetted TONY in breaching any fiduciary duty*  
17 *owed to NAMCO.*

18 **RESPONSE TO REQUEST FOR PRODUCTION NO. 16:**

19 The Trustee refers to and incorporates his General Objections. The Trustee  
20 specifically objects to this Document Request to the extent that it seeks information  
21 protected by the attorney-client privilege and work product doctrine. The Trustee  
22 further objects on the grounds that this Document Request is burdensome and  
23 oppressive insofar as responsive documents may exist among the Namco Boxes in the  
24 Trustee's possession and within the Database; is premature insofar as the Trustee has  
25 not completed discovery in this case nor completed preparation for trial, and such  
26 documents have already been produced to Defendant (*see* P00001 through P05867).  
27 Subject to and without waiving these objections, the Trustee (a) will produce  
28 responsive, non-privileged documents to the extent they can be reasonably searched

1 and identified as set forth in the General Objections at paragraph 2; (b) will produce  
2 the QB Index for review by Defendant and, upon request, provide copies of requested  
3 files as set forth in the General Objections at paragraph 3; (c) will produce the indices  
4 to the Namco Boxes and make the documents in the Namco Boxes available for  
5 inspection and copying as set forth in the General Objections at paragraph 4; and (d)  
6 will produce copies of Namco's QuickBooks files, which served as the general ledger  
7 for Namco during the relevant period.

8

9 **REQUEST FOR PRODUCTION NO. 17:**

10 *Please produce ALL DOCUMENTS RELATING TO YOUR allegation in the  
11 COMPLAINT that MOUSA aided and abetted EZRI in breaching any fiduciary duty  
12 owed to NAMCO.*

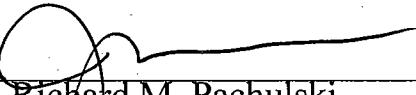
13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 17:**

14 The Trustee refers to and incorporates his General Objections. The Trustee  
15 specifically objects to this Document Request to the extent that it seeks information  
16 protected by the attorney-client privilege and work product doctrine. The Trustee  
17 further objects on the grounds that this Document Request is burdensome and  
18 oppressive insofar as responsive documents may exist among the Namco Boxes in the  
19 Trustee's possession and within the Database; is premature insofar as the Trustee has  
20 not completed discovery in this case nor completed preparation for trial, and such  
21 documents have already been produced to Defendant (*see* P00001 through P05867).  
22 Subject to and without waiving these objections, the Trustee (a) will produce  
23 responsive, non-privileged documents to the extent they can be reasonably searched  
24 and identified as set forth in the General Objections at paragraph 2; (b) will produce  
25 the QB Index for review by Defendant and, upon request, provide copies of requested  
26 files as set forth in the General Objections at paragraph 3; (c) will produce the indices  
27 to the Namco Boxes and make the documents in the Namco Boxes available for  
28 inspection and copying as set forth in the General Objections at paragraph 4; and (d)

1 will produce copies of Namco's QuickBooks files, which served as the general ledger  
2 for Namco during the relevant period.

3  
4 Dated: January 18, 2012

5  
6 PACHULSKI STANG ZIEHL & JONES  
7 LLP

8 By   
9

10 Richard M. Pachulski  
11 Dean A. Ziehl  
12 Alan J. Kornfeld  
13 Gillian N. Brown  
14 Elissa A. Wagner

15 Special Counsel for Bradley D.  
16 Sharp, Chapter 11 Trustee for Estate  
17 of Namco Capital Group, Inc.

## **PROOF OF SERVICE**

STATE OF CALIFORNIA )  
COUNTY OF LOS )  
ANGELES )

I, Mary de Leon, am employed in the city and county of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 10100 Santa Monica Blvd., 13th Floor, Los Angeles, California 90067-4100.

On January 20, 2012, I caused to be served the PLAINTIFF'S  
OBJECTIONS AND RESPONSES TO DEFENDANT MOUSA NAMVAR'S  
FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS in this action by placing a true and correct copy of said document(s) in sealed envelopes addressed as follows:

**PLEASE SEE ATTACHED SERVICE LIST**

- (BY MAIL) I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Los Angeles, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.
  - (BY EMAIL) I caused to be served the above-described document by email to the parties indicated on the attached service list at the indicated email address.
  - (BY FAX) I caused to be transmitted the above-described document by facsimile machine to the fax number(s) as shown. The transmission was reported as complete and without error. (Service by Facsimile Transmission to those parties on the attached List with fax numbers indicated.)
  - (BY OVERNIGHT DELIVERY) By sending by \_\_\_\_\_ to the addressee(s) as indicated on the attached list.

I declare that I am employed in the office of a member of the bar of this Court at whose direction was made.

Executed on January 20, 2012, at Los Angeles, California.

Mary de Leon



1           **Counsel for Hooshang Namvar, Homayoun Namvar,  
2 Ramin Namvar, Helen Shadi, Hilda Bayanfar, Lida  
3 Shraga, Nataly Namvar, Trifish, LLC, Tribun, LLC,  
4 Trisister, LLC, Believers, LLC, Net, LLC, Light Source,  
5 LLC, Lacy 20, LLC, Woodman Partners, LLC, Tritowne,  
6 LLC and Trigrove, LLCLA Hotel Venture LLC, Lancam  
7 Properties, LLC and Toyram LLC**

8           Henley L. Saltzburg, Esq.

9           Damon G. Saltzburg, Esq.

10          Paul T. Dye, Esq.

11          Genise R. Reiter, Esq.

12          Saltzburg Ray and Bergman

13          12121 Wilshire Boulevard, Suite 600

14          Los Angeles, California 90025

15          Email:        hls@srblaw.com

16              ds@srblaw.com

17              ptd@srblaw.com

18              grr@srblaw.com

19          Richard Sandor Berger, Esq,

20          Peter J. Gurfein, Esq.

21          Landau Gottfried and Berger LLP

22          1801 Century Park East, Suite 700

23          Los Angeles, California 90067

24          Email:        rberger@lgbfirm.com

25              pgurfein@lgbfirm.com

## **EXHIBIT 2**

## Gillian N. Brown

---

**From:** Gillian N. Brown  
**Sent:** Friday, June 28, 2013 12:25 PM  
**To:** ptd@srblaw.com  
**Cc:** Elissa A. Wagner; Alan Kornfeld; Ellen Bender; bresser@greenbergglusker.com; Genise Reiter [grr@srblaw.com] (grr@srblaw.com); 'robertm@mobasseripc.com'; 'Werderitch, Lori'  
**Subject:** FW: Namco Family Litig.  
**Attachments:** [NAMCO] 4.29.13 Letter to Counsel.pdf; [NAMCO] Plaintiff's Responses to First Set of Doc Requests.pdf

Paul,

As I explained to Genise (on and off the record during Wednesday's depositions), emails that do not contain bates labels came from the server that was in your clients' possession, custody, and control. Elissa also explained the provenance of these emails in her June 13 email to you. That is, your clients produced those emails to the Namco Trustee; these are your clients' own documents.

We have expressly stated that we would not produce to the defendants documents that they had previously produced to us. For example, my colleague, Gail Greenwood, set forth in her April 29 letter accompanying *Plaintiff's Responses to Trifish, LLC's First Set of Requests for Production of Documents* (the "Responses") that the Namco Trustee would not be producing to defendants documents that defendants previously produced to us. (I have attached a copy of that letter to this email.) We also preserved that position in General Objection G to the Responses. (I have attached a copy of the Responses to this email, as well.) Moreover, in General Objection G to the Responses, we offered to produce ESI pursuant to search terms even though this data belongs to and is in the possession of your clients. We have no record of the Defendants providing us any such search terms.

If you still intend to instruct your clients not to answer questions relating to documents that are not bates labeled, I suggest that we begin the meet and confer process today in advance of our potential motion to compel deposition testimony should you instruct witnesses not to answer. (If **Bernie, Lori, and Robert** are going to instruct their witnesses not to answer on these grounds, I invite them to the meet and confer, as well, of course.) If counsel instruct witnesses not to respond to questions regarding un-bates labeled documents, we will keep the depositions open and make our motion to compel. That motion to compel will also include a request that, should we prevail on the motion, discovery will remain open after the July 26 discovery cutoff to permit us to finish those depositions.

I am available to **meet and confer** today until 1:30pm, and then after 4pm today. I can make myself available this weekend after 12:30pm on Saturday and Sunday, as well.

With regard to your aspersions on our client and/or our attorneys, suffice it to say that we disagree.

Best regards,  
Gillian

---

**From:** Paul Dye [<mailto:ptd@srblaw.com>]  
**Sent:** Friday, June 28, 2013 10:25 AM  
**To:** Elissa A. Wagner; Alan Kornfeld; Gillian N. Brown  
**Cc:** Ellen Bender; Resser, Bernard; Genise Reiter; [robertm@mobasseripc.com](mailto:robertm@mobasseripc.com); Werderitch, Lori  
**Subject:** RE: Namco Family Litig.

Dear Esteemed Counsel -

Genise has shown me the exhibits from the Trisister depositions. Many are emails bearing no bate stamp. It appears that these were not produced in response to defendants' document requests, nor were they identified in Plaintiff's Rule 26 disclosures. This appears to be an attempt at trial by ambush which is not allowed under the FRCP.

I suspect this is part of the game plaintiff has played in this litigation of stating that there is a vast pile of documents and emails which Defendants may search by providing plaintiff with key words, etc. This game, which we have not played, required Defendants to attempt to guess what plaintiff might be thinking would justify plaintiff's claims. Defendants' requests for production for all emails relating to the topics in this litigation was designed to put an end to that nonsense.

Apparently, this did not succeed in bringing about the production of documents that plaintiff intends to use in the depositions and at trial.

Unless you can convince me otherwise, in the depositions of my clients, I will be objecting to any document that was not identified and produced and will instruct the witness not to answer questions relating to the document.

Very truly yours,  
Paul

Paul T. Dye  
Saltzburg, Ray & Bergman, LLP  
12121 Wilshire Blvd., Suite 600  
Los Angeles, CA 90025-1166  
Telephone: (310) 481-6757  
FAX (310) 481-6720  
E-Mail: [ptd@srblaw.com](mailto:ptd@srblaw.com)

This document is intended for the exclusive use of the addressee. It may contain privileged, confidential or non-disclosable information. If you are not the addressee or someone responsible for delivering this document to the addressee, you may not read, copy or distribute it. If you have received this document by mistake, please e-mail the administrator at [administrator@srblaw.com](mailto:administrator@srblaw.com) and securely dispose of it. Thank you.

---

## **EXHIBIT 3**

1                   UNITED STATES DISTRICT COURT  
2                   CENTRAL DISTRICT OF CALIFORNIA  
3                   LOS ANGELES DIVISION  
4

5       In re: NAMCO CAPITAL GROUP,      )  
6                   INC. a California           )  
7                   corporation,                 )   Case No.  
8    )   2:11-cv-05320-GAF  
9    )  
10    )  
11    )  
12    )  
13    )  
14    )  
15    )  
16    )  
17    )  
18    DEPOSITION OF DAVID H. JUDD  
19    Los Angeles, California  
20    Monday, July 8, 2013  
21  
22  
23    TSG Job # 63217  
24    Reported by:  
25    NIKKI ROY, CSR No. 3052

1           Deposition of DAVID H. JUDD, taken on behalf of  
2 the Counsel for MOUSA NAMVAR, MAGDIEL, LLC, MANCO 8  
3 LLC, WISHLAB 90 LLC, BUNHERST, LLC and DGAD OF  
4 DELAWARE, LLC, at 1900 Avenue of the Stars,  
5 21st Floor, Los Angeles, California, on Monday,  
6 July 8, 2013 at 9:23 a.m., before NIKKI ROY, CSR  
7 No. 3052.

8

9 APPEARANCES OF COUNSEL:

10

11 FOR THE PLAINTIFF:

12 PACHULSKI STANG ZIEHL & JONES  
13 BY: ALAN KORNFELD, Attorney at Law  
14 10100 Santa Monica Boulevard  
15 Los Angeles, California 90067

16

17

18 FOR HOOSHANG NAMVAR, HOMAYOUN NAMVAR, RAMIN, NAMVAR,  
19 HELEN SHADI, HILDA BAYANFAR, LIDA SHRAGGA, NATALY  
20 NAMVAR, TRIFISH, LLC, TRIBUN, LLC, TRISISTER, LLC,  
21 BELIEVERS, LLC, NET LLC, LIGHT SOURCE, LLC, LACY 20,  
22 LLC, WOODMAN PARTNERS, LLC, TRITOWNE, LLC AND  
23 TRIGROVE LLC:

24

25 SALTZBURG RAY & BERGMAN  
26 BY: PAUL DYE, Attorney at Law  
27 GENISE REITER, Attorney at Law  
28 12121 Wilshire Boulevard  
29 Los Angeles, California 90025

1 APPEARANCES OF COUNSEL (CONTINUED):

2

3 COUNSEL FOR MOUSA NAMVAR, HAGDIEL, LLC, NAMCO 8K LLC,  
4 WISHLAB 90 LLC, BUNHERST, LLC AND DGADE OF DELAWARE,  
5 LLC:

6 GREENBERG GLUSKER FIELDS CLAMAN & MACHTINGER

7 BY: BERNARD RESSER, Attorney at Law

8 1900 Avenue of the Stars

9 Los Angeles, California 90067

10

11 ALSO PRESENT:  
12 NICHOLAS TROSZAK  
13 BRADLEY SHARP  
14 GREGORY GATELEY, videographer

15

16

17

18

19

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1                   I N D E X  
2

3                   WITNESS	4                   EXAMINATION	5                   PAGE
DAVID H. JUDD	MR. RESSER	7 , 98

6

7                   E X H I B I T S

8

10                  NUMBER	11                  DESCRIPTION	12                  PAGE
Exhibit 150	Printout from BRG website	13
Exhibit 151	First Financial Report of the Chapter 11 Trustees Pursuant to 11 USC Section 1106(a)(3)-(4), dated February 26, 2010 Submitted to the Honorable Barry Russell, United States Bankruptcy Judge for the Central District of California by R. Todd Neilson and Bradley D. Sharp	26
Exhibit 152	Expert Report of David Judd	27
Exhibit 153	Expert Report of David Judd	30
Exhibit 154	Spreadsheets entitled "Bankruptcy Estate of NCG and Namvar Transaction Analysis"	34
Exhibit 155	Spreadsheets entitled "Bankruptcy Estate of NCG and Namvar Transaction Analysis"	35
Exhibit 156	Rebuttal Expert Report of David Judd Rebuttal Expert Report of David Judd	38

1                   I N D E X (CONTINUED) :

2                   EXHIBITS (CONTINUED) :

4	NUMBER	DESCRIPTION	PAGE
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7	Exhibit 158	Notice of Expert Witness Deposition of David Judd and of Requests for Production of Documents at Deposition	52

9

10

11

12                   QUESTIONS INSTRUCTED NOT TO ANSWER

13                   None

14

15                   INFORMATION REQUESTED

16                   None

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1                   LOS ANGELES, CALIFORNIA, MONDAY, JULY 8, 2013

2                   9:23 A.M.

3

4                   THE VIDEOGRAPHER: Good morning, everybody.

5                   This is the start of disk number 1 in the  
6                   video deposition of David Judd in the matter  
7                   Bradley D. Sharp, Chapter 11 Trustee versus Mousa  
8                   Namvar, et al. in the United States Bankruptcy Court,  
9                   Central District of California.

10                  This deposition is being held at Greenberg  
11                  Glusker Fields Claman and Machtlinger, LLP located at  
12                  1900 Avenue of the Stars, 21st floor, Los Angeles,  
13                  California on July 8, 2013 at approximately 9:23 a.m.

14                  My name is Gregory Gateley from TSG  
15                  Reporting Inc. I'm the legal video specialist. The  
16                  court reporter is Nikki Roy in association with TSG  
17                  Reporting.

18                  Counsel please state your appearances for  
19                  the record.

20                  MR. RESSER: Bernard Resser, Greenberg  
21                  Glusker Fields Claman & Machtlinger for defendants  
22                  Mousa Namvar, Magdiel LLC, Namco 8 LLC, Wishlab 90  
23                  LLC, Bunherst LLC, Dgade of Delaware LLC.

24                  MR. DYE: Paul Dye, of Saltzburg, Ray &  
25                  Bertman, also Genise Reiter of Saltzburg, Ray &

1 Bertman representing defendants Lacy 20 LLC, Hooshang  
2 Namvar, Homayoun Namvar, Ramin Namvar, Helen Shadi,  
3 Hilda Bayanfar, Lida Shrappa, Nataly Namvar, Trifish  
4 LLC, Tribun LLC, Trisister LLC, Believers LLC,  
5 Net LLC, Light Source Management LLC, Woodman  
6 Partners LLC, Tritowne LLC and Trigrove LLC.

7 MR. KORNFIELD: Alan Kornfeld, Pachulski  
8 Stang Ziehl & Jones for Bradley Sharp, trustee for  
9 Namco Capital Group.

10 THE VIDEOGRAPHER: Will the court reporter  
11 please swear in the witness.

12  
13 DAVID H. JUDD  
14 called as a deponent and sworn in by  
15 the deposition officer, was examined  
16 and testified as follows:

17  
18 EXAMINATION

19 BY MR. RESSER:

20 Q. Good morning, Mr. Judd.

21 A. Good morning.

22 Q. Can you state your full name for the record.

23 A. David Harl Judd.

24 Q. What is your business address?

25 A. 2049 Century Park East, Suite 2525,

1 (The document referred to was marked  
2 by the CSR as Deposition Exhibit 156  
3 for identification and attached to the  
4 deposition transcript hereto.)

5 (Document reviewed by witness.)

6 BY MR. RESSER:

7 Q. Okay. Mr. Judd, what is Exhibit 156?

8           A. It is a rebuttal expert report that I  
9 prepared for this specific litigation.

10 Q. Okay. And this is the rebuttal report that  
11 you just referred to in your earlier answer to my  
12 question about whether you prepared an expert report  
13 on damages in this case, correct?

14 MR. KORNFELD: Objection; vague.

15                           THE WITNESS: I didn't recall talking about  
16 the rebuttal report prior, but --

17 BY MR. RESSER:

18 Q. Okay. In preparing your rebuttal expert  
19 report, did you consult any of the schedules that  
20 were prepared for the trustee or counsel that were  
21 the basis for the damages amounts in the first  
22 amended complaint?

23 A. Yes.

24 Q. And is that the schedules that you prepared  
25 for the damages for the first amended complaint the

## **EXHIBIT 4**

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
LOS ANGELES DIVISION

DEPOSITION OF DAVID H. JUDD  
Los Angeles, California  
Tuesday, July 9, 2013

Reported by:

NIKKI ROY, CSR No. 3052  
Job # 63218

1           Deposition of DAVID H. JUDD, taken on behalf of  
2 the Counsel for MOUSA NAMVAR, MAGDIEL, LLC, MANCO 8  
3 LLC, WISHLAB 90 LLC, BUNHERST, LLC and DGAD OF  
4 DELAWARE, LLC, at 1900 Avenue of the Stars,  
5 21st Floor, Los Angeles, California, on Tuesday,  
6 July 9, 2013 at 9:18 a.m., before NIKKI ROY, CSR  
7 No. 3052.

8

9 APPEARANCES OF COUNSEL:

10

11 FOR THE PLAINTIFF:

12

PACHULSKI STANG ZIEHL & JONES  
BY: ALAN KORNFELD, Attorney at Law  
10100 Santa Monica Boulevard  
Los Angeles, California 90067

14

15

16

17

FOR HOOSHANG NAMVAR, HOMAYOUN NAMVAR, RAMIN, NAMVAR,  
HELEN SHADI, HILDA BAYANFAR, LIDA SHRAGGA, NATALY  
NAMVAR, TRIFISH, LLC, TRIBUN, LLC, TRISISTER, LLC,  
BELIEVERS, LLC, NET LLC, LIGHT SOURCE, LLC, LACY 20,  
LLC, WOODMAN PARTNERS, LLC, TRITOWNE, LLC AND  
TRIGROVE LLC:

20

SALTZBURG RAY & BERGMAN  
BY: PAUL DYE, Attorney at Law  
12121 Wilshire Boulevard  
Los Angeles, California 90025

23

24

25

1 APPEARANCES OF COUNSEL (CONTINUED) :

2

3 COUNSEL FOR MOUSA NAMVAR, HAGDIEL, LLC, NAMCO 8K LLC,  
4 WISHLAB 90 LLC, BUNHERST, LLC AND DGADE OF DELAWARE,  
5 LLC:

6 GREENBERG GLUSKER FIELDS CLAMAN & MACHTINGER  
7 BY: BERNARD RESSER, Attorney at Law  
8 1900 Avenue of the Stars  
9 Los Angeles, California 90067

10 ALSO PRESENT:

11 NICHOLAS TROSZAK (Appearing telephonically)  
12 BRADLEY SHARP (Appearing telephonically)  
13 GREGORY GATELEY, Videographer

1                   I N D E X  
2

3	WITNESS	EXAMINATION	PAGE
4	DAVID H. JUDD		
5		MR. DYE	7, 116
6		MR. RESSER	200

7

8

9                   E X H I B I T S

10

11	NUMBER	DESCRIPTION	PAGE
12	Exhibit 159	Notice of FRCP 30(b)(6) Deposition of Chapter 11 Bankruptcy Estate of Esri Namvar	15
14	Exhibit 160	Notice of FRCP 30(b)(6) deposition of Namco Capital Group Inc.	91
16	Exhibit 161	One-page document, Bates number P2658	163
18	Exhibit 162	Documents, Bates numbers P 2825 through 2830	165
20	Exhibit 163	Documents, Bates number P 1214	167
21	Exhibit 164	Transactional Analysis, Bates numbers P 3041 through P 3110	168
22	Exhibit 165	Multiple page landscape, month-by-month analysis of income and expenses, January 2004 through March of 2007	204
24	Exhibit 165-1 - Excel file documents 165-40		211

Page 5

1                   I N D E X (CONTINUED) :

2                   EXHIBITS (CONTINUED) :

4                 NUMBER	5                 DESCRIPTION	6                 PAGE
Exhibit 166	Interest Payable NFE and NFI xlsx	212
Exhibit 167	Interest Payable Namvar Family	212

7                   QUESTIONS INSTRUCTED NOT TO ANSWER

8                   None

9                   INFORMATION REQUESTED

10                  None

1                   LOS ANGELES, CALIFORNIA, TUESDAY, JULY 9, 2013

2                   9:18 A.M.

3

4                   THE VIDEOGRAPHER: Good morning, everybody.

5                   This is the start of disk number 1 in the  
6                   video deposition of David Judd in the matter of  
7                   Bradley D. Sharp, Chapter 11 Trustee versus Mousa  
8                   Namvar, et al., in the court, United States District  
9                   Court, Central District of California, Los Angeles  
10                  Division.

11                  This deposition is being held at Greenberg  
12                  Glusker Fields Claman & Machtlinger LLP, located at  
13                  1900 Avenue of the Stars, 21st Floor, Los Angeles,  
14                  California.

15                  Today's date is July 9, 2013. The time is  
16                  approximately 9:18 a.m. My name is Gregory Gateley  
17                  from TSG Reporting Inc. I am the legal video  
18                  specialist. The court reporter is Nikki Roy in  
19                  association with TSG Reporting.

20                  Counsel, please state your appearances for  
21                  the record.

22                  MR. DYE: Good morning. Paul Dye,  
23                  Saltzburg, Ray & Bergman. I'm representing Lacy 20  
24                  LLC, Hooshang Namvar, Homayoun Namvar, Ramin Namvar,  
25                  Helen Shadi, Hilda Bayanfar, Lida Shragga, Nataly

1 Namvar, Trifish LLC, Tribun LLC, Trisister LLC,  
2 Believers LLC, Net LLC, Light Source Management LLC,  
3 Woodman Partners LLC, Tritowne LLC and Trigrove LLC.

4 MR. RESSER: Bernard Resser, Greenberg  
5 Glusker Fields Claman & Machtlinger LLP, representing  
6 defendants Mousa Namvar and the following LLCs:  
7 Magdiel, Namco 8, Wishlab 90, Bunherst, Dgade of  
8 Delaware.

9 MR. KORNFIELD: Alan Kornfeld, Pachulski  
10 Stang Ziehl & Jones for Chapter 11 trustee Brad  
11 Sharp.

12 THE VIDEOGRAPHER: And will the court  
13 reporter please swear in the witness.

14  
15 DAVID H. JUDD  
16 called as a deponent and sworn in by  
17 the deposition officer, was examined  
18 and testified as follows:

19  
20 EXAMINATION

21 BY MR. DYE:

22 Q. Good morning, Mr. Judd.

23 A. Good morning.

24 Q. I understand you're the person who's going  
25 to tell me what the evidence is that supposedly

1 MR. KORNFIELD: Okay.

2 MR. RESSER: All right. I apparently have  
3 only one copy of each of these, so I just want to get  
4 them in the record because they've been produced  
5 today, and they don't have Bates, and we don't have  
6 any way of --

7 MR. KORNFIELD: That's fine.

8 MR. RESSER: -- controlling them.

9 MR. KORNFIELD: We're about control.

10 MR. RESSER: All right.

11 Q. We've now handed you a several-page  
12 landscape legal-size document.

13 Can you tell me what Exhibit 165 is?

14 A. It is a month-by-month analysis of income  
15 and expenses beginning with January 2004 and going  
16 through March of 2007.

17 Q. And which portion of your insolvency report  
18 does this relate to?

19 A. This relates to the exhibit on page 10 of my  
20 May 17, 2013 expert report.

21 Q. Is that document that I've handed you the  
22 full and complete Excel file relating to the -- is it  
23 the income statement analysis?

24 A. It's an income and expense analysis.

25 Q. Okay. The -- the names of the three Excel

(The document referred to was marked by the CSR as Deposition Exhibit 166 for identification and attached to the deposition transcript hereto.)

(Document reviewed by witness.)

THE WITNESS: Okay.

BY MR. RESSER:

Q. What is Exhibit 166?

A. It is the second file that you identified.

Q. Interest payable NFE and NFI xlsx?

A. Yes.

Q. Okay. Handing you a third document, if you can tell me what that is.

THE DEPOSITION OFFICER: Did we mark that?

MR. RESSER: That will be 167.

(The document referred to was marked by the CSR as Deposition Exhibit 167 for identification and attached to the deposition transcript hereto.)

( Document reviewed by witness.)

THE WITNESS: And if I'm not mistaken, I

believe this file has two tabs. I -- I would have to look at this one as well to confirm that this is all here.

BY MR. RESSER:

1           Q.     Okay. Why don't we mark that as 167 and  
2        leave a blank in the deposition and have you check  
3        that against the document.

4           A.     I will do --

5           Q.     Does that make sense?

6           A.     I will do that.

7           Q.     And your counsel will notify us if we had  
8        difficulty printing it.

9                  Does it -- sir, does it surprise you that it  
10        took my office almost six hours today to print those?

11               MR. KORNFELD: You know, that's a hard  
12        question to answer without knowing who works in your  
13        office.

14               MR. RESSER: He can answer the question. I  
15        think he kind of has by his expression.

16               THE WITNESS: I kind of have. Well, I mean,  
17        part of it would be once you had the format down for  
18        this big pile, they would all be the same, so it  
19        would --

20        BY MR. RESSER:

21               Q.     Okay.

22               A.     -- it would speed up. I don't know how long  
23        it would take your printer to print off those large  
24        pages, but it could take some time.

25               Q.     It wouldn't surprise you that it was a

## **EXHIBIT 5**

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA, LOS ANGELES DIVISION  
IN RE:

NAMCO CAPITAL GROUP, INC., A  
CALIFORNIA CORPORATION,

Debtor.

BRADLEY D. SHARP, SOLELY IN HIS  
CAPACITY AS CHAPTER 11 TRUSTEE  
OF NAMCO CAPITAL GROUP, INC.,

Plaintiff,

vs.

CHAPTER 11  
No. 2:11-CV-05320-GAF

MOUSA NAMVAR; HOOSHANG NAMVAR;  
HOMAYOUN NAMVAR; RAMIN NAMVAR;  
HELEN SHADI; HILDA BAYANFAR;  
LIDA SHRAGA; NATALY NAMVAR;  
DANIEL NAMVAR; BENJAMIN NAMVAR;  
MALKA NAMVAR; SHIRAH NAMVAR;  
ET AL.,

Defendants.

---

VIDEOTAPED DEPOSITION OF EZRI NAMVAR

Los Angeles, California

Thursday, September 22, 2011

Volume 1

Reported by:  
MARIA ELLERSICK  
CSR No. 10531

Job No. 173001

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA, LOS ANGELES DIVISION  
IN RE:  
NAMCO CAPITAL GROUP, INC., A  
CALIFORNIA CORPORATION.

**Debtor.**

BRADLEY D. SHARP, SOLELY IN HIS  
CAPACITY AS CHAPTER 11 TRUSTEE  
OF NAMCO CAPITAL GROUP, INC.,

**Plaintiff,**

CHAPTER 11

**NO. 2:11-CV-05320-GAF**

MOUSA NAMVAR; HOOSHANG NAMVAR;  
HOMAYOUN NAMVAR; RAMIN NAMVAR;  
HELEN SHADI; HILDA BAYANFAR; LIDA  
SHRAGA; NATALY NAMVAR; DANIEL NAMVAR;  
BENJAMIN NAMVAR; MALKA NAMVAR;  
SHIRAH NAMVAR; TRIFISH, LLC;  
TRIBUN, LLC; MAGDIEL, LLC; TRISISTER,  
LLC; BELIEVERS, LLC; NET, LLC; LIGHT  
SOURCE, LLC; LA HOTEL VENTURE, LLC;  
LANCAM PROPERTIES, LLC; LACY 20, LLC;  
NAM 5, LTD; NAMCO 8, LLC; WISHLAB 90,  
LLC; BUNHERST, LLC; DGADE OF DELAWARE,  
LLC; TOYRAM, LLC; NAMARI, LLC;  
WOODMAN PARTNERS, LLC; TRITOWNE, LLC;  
TRIGROVE, LLC; AND HARON SHABATIAN,

## Defendants.

Videotaped Deposition of EZRI NAMVAR,  
Volume 1, taken on behalf of Defendants, at 12121  
Wilshire Boulevard, Suite 600, Los Angeles,  
California, beginning at 9:54 a.m. and ending at  
5:40 p.m. on Thursday, September 22, 2011, before  
MARIA ELLERSICK, Certified Shorthand Reporter  
No. 10531.

1 APPEARANCES:

2  
3 For Plaintiff Bradley D. Sharp, Chapter 11  
Trustee for Estate of Namco Capital Group, Inc.:

4  
5 PACHULSKI, STANG, ZIEHL & JONES  
BY: STEVEN J. KAHN  
6 Attorney at Law  
10100 Santa Monica Boulevard, 13th Floor  
Los Angeles, California 90067  
7 (310) 277-6910

8 For Defendants Lacy 20, LLC; Hooshang Namvar;  
Homayoun Namvar; Ramin Namvar; Helen Shadi;  
9 Hilda Bayanfar; Lida Shraga; Nataly Namvar;  
Trifish, LLC; Tribun, LLC; Trisister, LLC;  
10 Believers, LLC; Tritowne, LLC; Trigrove, LLC:

11 SALTZBURG, RAY & BERGMAN  
BY: PAUL T. DYE  
12 Attorney at Law  
12121 Wilshire Boulevard, Suite 600  
13 Los Angeles, California 90025  
14 (310) 481-6700

15 For Defendants Mousa Namvar; Magdiel, LLC;  
Namco 8, LLC; Bunherst, LLC; Wishlab 90, LLC;  
Dgade of Delaware, LLC:

16 RUTTER, HOBBS & DAVIDOFF  
17 BY: BRIAN L. DAVIDOFF  
18 Attorney at Law  
19 1901 Avenue of the Stars, Suite 1700  
Los Angeles, California 90067  
(310) 286-1700

20 Also Present:

21 MOUSA NAMVAR  
FARA RABAN  
22 SEAN NAMVAR

23 Videographer:

24 BEN MOULANT  
SARNOFF COURT REPORTERS &  
25 LEGAL TECHNOLOGIES

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Exhibit 2	Wilshire/Bundy Office Ownership chart	159
Exhibit 3	Buyers Settlement Statement for Wilshire/Bundy building, dated 8/15/03	163
Exhibit 4	Asset sheet of Namvar Real Estate Holdings, dated October 2008	166
Exhibit 5	E-mail chain between Ezri Namvar and Tony Namvar and others re Chesed charitable contribution, dated 9/15/03	170
Exhibit 6	Letter from Mousa Namvar to Ezri Namvar re 12121 Wilshire Boulevard building, dated 10/31/08	172

1                   Los Angeles, California, Thursday, September 22, 2011

2                   9:54 a.m. - 5:40 p.m.

3

4                   THE VIDEOGRAPHER: Good morning. Here begins  
5                   Media No. 1 of the deposition of Ezri Namvar in the  
6                   matter of Sharp versus Namvar. This case is pending  
7                   before the United States District Court, for the Central  
8                   District of California, Los Angeles Division, and the  
9                   case number is 2:11-CV-05320-GAF. Today's date is  
09:54:43 10                   September 22nd and the time is 9:54. This deposition is  
11                   taking place at Saltzburg, Ray and is being taken on  
12                   behalf of the Defendant. The videographer is Benjamin  
13                   Moulant appearing on behalf of Sarnoff Court Reporters  
14                   located in Los Angeles, California.

15                   All parties please take notice that as part of  
16                   the videotaping of this deposition, the microphones  
17                   being used are very sensitive. All recorded comments  
18                   made by any party, attorney, or the deponent during this  
19                   deposition will be considered to be on the record and  
09:55:14 20                   will be transcribed.

21                   Would counsel please identify yourselves and  
22                   state whom you represent.

23                   MR. DYE: Paul Dye of Saltzburg, Ray & Bergman.  
24                   I'm representing a number of the defendants in this  
25                   case, including Hooshang Namvar; Homayoun Namvar; Ramin

1           Q. And you say it was your tradition that when you  
2         were able to do a transaction, that you would make a  
3         donation to a charity?

4           A. Yes. Not this organized usually because this was  
5         a big deal. This was our prized possession. We wanted  
6         the luck. We had never bought anything this big. This  
7         was the trophy asset we bought. We were all excited and  
8         I gave that E-mail to put \$180,000 into Chесed  
9         Foundation.

16:48:42 10          Q. And so when you say the 180- should go from the  
11         Wilshire/Bundy owners and you had these percentages,  
12         does this reflect your belief of what the ownership  
13         percentages were of the individual brothers in the  
14         building?

15          A. For sure. I mean, I never -- I testified to  
16         that, except I was too doubtful about my sisters, which  
17         is cleared by this. The sisters are not here.

18           MR. DAVIDOFF: Okay. Let me show you one more  
19         document, please. We'll mark this as Exhibit No. 6.

16:49:17 20           (Defendants' Exhibit 6 was marked for  
21         identification by the court reporter.)

22           MR. DAVIDOFF: Hold on a second. Let's just go  
23         off a minute.

24           THE VIDEOGRAPHER: We are going off the record at  
25         4:50.

1 (Recess.)

2 THE VIDEOGRAPHER: We are back on the record at  
3 4:52.

4 BY MR. DAVIDOFF:

5 Q. Mr. Namvar, I've handed you a letter dated  
6 October 31, 2008. It's on the letterhead of Mousa  
7 Namvar, and it appears to have Mousa's signature, as  
8 well as your signature. Could you just take a moment to  
9 look at that letter, please.

16:53:04 10 A. I have. What's the question?

11 Q. Do you remember seeing this letter before?

12 A. It's my signature, yes. Remember, October of '08  
13 was very tense time for me, yes. I have signed this  
14 letter and it is my signature.

15 Q. And do you remember how it came about that this  
16 letter was signed?

17 A. I don't know what Mousa's reason was that he  
18 wanted to put our understanding that we had for a long  
19 time in writing, but that's what it was.

16:53:35 20 Q. And does this letter correctly reflect your  
21 understanding of the events as they were?

22 A. Yes.

23 Q. If you have a look at the bottom of the letter on  
24 the first page, it says -- I'm just going to read it  
25 into the record so we can understand the question that

## **PROOF OF SERVICE**

STATE OF CALIFORNIA                          )  
COUNTY OF LOS ANGELES                      )

I, Mary de Leon, am employed in the city and county of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 10100 Santa Monica Blvd., 13th Floor, Los Angeles, California 90067.

On September 30, 2013, I caused to be served the **DECLARATION OF GILLIAN N. BROWN IN SUPPORT OF TRUSTEE'S OPPOSITION TO MOTION IN LIMINE OF DEFENDANTS MOUSA NAMVAR, MAGDIEL, LLC, NAMCO 8, LLC, WISHLAB 90, LLC, BUNHERST, LLC, AND DGADE OF DELAWARE, LLC TO EXCLUDE DOCUMENTS NOT TIMELY PRODUCED IN DISCOVERY AND DEPOSITION TESTIMONY REGARDING SUCH DOCUMENTS FROM INTRODUCTION AT TRIAL BY PLAINTIFF** in this action by placing a true and correct copy of said document(s) and sent as follows:

*See Attached Service List*

- (BY MAIL) I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Los Angeles, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.
  - (BY EMAIL) I caused to be served the above-described document by email to the parties indicated on the attached service list at the indicated email address.
  - (BY NOTICE OF ELECTRONIC FILING) I caused to be served the above-described document by means of electronic transmission of the Notice of Electronic Filing through the Court's transmission facilities, for parties and/or counsel who are registered ECF Users.
  - (BY HAND DELIVERY) I caused to be served the above-described document by hand delivery to the parties as indicated on the attached service.
  - (BY FAX) I caused to be transmitted the above-described document by facsimile machine to the fax number(s) as shown. The transmission was reported as complete and without error. (Service by Facsimile Transmission to those parties on the attached List with fax numbers indicated.)

1 I hereby certify that I am employed in the office of a member of the Bar of this  
2 Court at whose direction the service was made.

3  
4 Executed on September 30, 2013, at Los Angeles, California.  
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/s/ *Mary de Leon*  
Mary de Leon

## **SERVICE LIST**

**2:11-cv-05320-GAF (CWx) Notice will be sent via hand delivery to:**

**Judge Gary A. Feess  
U.S. District Court  
255 East Temple Street, Courtroom 740  
Los Angeles, CA 90012-3332**

**2:11-cv-05320-GAF (CWx) Notice will be sent electronically to:**

- **Matthew Peter Chan Benham**  
benham.esq@gmail.com
  - **Alan Frank Broidy**  
afbroidy@ix.netcom.com
  - **Gillian N Brown**  
gbrown@pszjlaw.com
  - **Brian Leslie Davidoff**  
bdavidoff@greenbergglusker.com,kwoodson@greenbergglusker.com,jreinglass@greenbergglusker.com,calendar@greenbergglusker.com
  - **Alan J Kornfeld**  
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